

1 Daniel Rigmaiden
 2 Agency # 10966111
 3 CCA-CADC
 4 PO Box 6300
 5 Florence, AZ 85132
 6 Telephone: none
 7 Email: none

8 Daniel David Rigmaiden
 9 Pro Se, Defendant

10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF ARIZONA**

12 United States of America,

13 Plaintiff,

14 v.

15 Daniel David Rigmaiden, et al.,

16 Defendant.

No. CR08-814-PHX-DGC

NOTICE OF FILING AMENDED
 PLEADING PURSUANT TO LRCiv 15.1
 AND COURT'S MAY 8, 2013 ORDER
 (Dkt. #1009) GRANTING Dkt. #934

17 Defendant, Daniel David Rigmaiden, appearing *pro se*, respectfully submits *Notice Of*
 18 *Filing Amended Pleading Pursuant To LRCiv 15.1 And Court's May 8, 2013 Order (Dkt.*
 19 *#1009) Granting Dkt. #934.*

20 On May 8, 2013, the Court granted the defendant's *Motion For Leave To Amend Dkt.*
 21 *#867 First Supplement To Motion To Suppress RE: Search And Seizure Of Digital Evidence*
 22 *Under N.D.Cal. Warrants Or, In The Alternative, To Dismiss The Case With Prejudice (Dkt.*
 23 *#934), with an attached proposed Second Supplement To Motion To Suppress RE: Search*
 24 *And Seizure Of Digital Evidence Under N.D.Cal. Warrants (Dkt. #934-1).*

25 Pursuant to LRCiv. 15.1, the defendant was required to convert the proposed
 26 document into an actual document and "file and serve the amended pleading on all parties...
 27 within fourteen (14) days of the filing of the order granting leave to amend, unless the Court
 28 orders otherwise." *Id.* On May 22, 2013, *i.e.*, within 14 days, the defendant provided his
 shadow counsel's office with the required converted document to be filed. However, shadow

1 counsel's office incorrectly filed the document after making additional alterations prior to
2 filing. *See Motion To Strike Dkt. #1031 And #1032 For Improper Filing Option And Altered*
3 *Document Filed Against Defendant's Instructions.*

4 Notwithstanding the mistakes made by shadow counsel's office, the defendant
5 complied with LRCiv. 15.1 by providing the converted proposed document for filing within
6 the required time frame. It was shadow counsel's office that filed incorrectly (Dkt. #1031
7 and #1032) after making additional alterations to the document against the defendant's
8 instruction. The defendant filed a motion to strike Dkt. #1031 and #1032 as soon as he
9 realized the error.

10 This notice serves to update the record as to why the proper document is only now
11 being filed in the proper manner (*i.e.*, after the 14-day time frame designated in LRCiv.
12 15.1). If the *pro se* incarcerated defendant had access to PACER then these mistakes would
13 not occur.

14 * * * * *

15 This notice was drafted by the *pro se* defendant, however, he authorizes his shadow
16 counsel, Philip Seplow, to file this notice on his behalf using the ECF system.

17 It is not expected that excludable delay under 18 U.S.C. § 3161(h) will occur as a
18 result of this notice.

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Respectfully Submitted:

PHILIP SELOW, Shadow Counsel, on
behalf of DANIEL DAVID RIGMAIDEN,
Pro Se Defendant:

s/ Philip Seplow

Philip Seplow

Shadow Counsel for Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on: I caused the attached document to be
electronically transmitted to the Clerk's Office using the ECF system for filing and
transmittal of a Notice of Electronic Filing to the following ECF registrants:

Taylor W. Fox, PC
Counsel for defendant Ransom Carter
2 North Central Ave., Suite 735
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By: s/ Daniel Colmerauer

(Authorized agent of Philip A. Seplow, Shadow Counsel for Defendant; See ECF Proc. I(D) and II(D)(3))